

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

STIPULATION AND ORDER

Irving H. Picard, Esq. (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, and Carl J. Shapiro, by and through his counsel, Shearman & Sterling LLP (collectively, the “Parties”), hereby stipulate and agree that based on Mr. Shapiro’s advanced age and representations by counsel about his health and the severity of certain medical conditions, the parties agree to a deposition to perpetuate Mr. Shapiro’s testimony pursuant to Federal Rule of Civil Procedure 27, pursuant to the terms agreed upon between the Parties and their counsel.

Dated: New York, New York
December 3, 2009

/s/Marc Hirschfield

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*Attorneys for Irving H. Picard, Esq., Trustee for the
Substantively Consolidated SIPA Liquidation of Bernard
L. Madoff Investment Securities LLC and Bernard L.
Madoff*

Dated: New York, New York
December 3, 2009

/s/ Stephen Fishbein
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Attorneys for Petitioner Carl J. Shapiro

So Ordered This 4th Day of December, 2009

/s/ Burton R. Lifland
HONORABLE BURTON R. LIFLAND
UNITED STATES BANKRUPTCY JUDGE